



City of Seattle

Department of Planning & Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3009997
Applicant Name: Jan Henderson
Address of Proposal: 3715 South Webster Street

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into two parcels of land. The proposed parcel sizes are: A) 8,064.9 sq. ft. and B) 48,288.8 sq. ft. The existing structures will remain.

The following approval is required:

Short Subdivision - to create two parcels of land.
(SMC Chapter 23.24)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Zoning: SF 5000

Uses on Site: single family residence and three accessory structures

Public Comment: No comment letters were received during the comment period which ended January 3, 2010.

Substantive Site Characteristics: This 56,353.7 sq. ft. site is located in southeast Seattle three blocks from the intersection of Martin Luther King Jr. Way South, South Othello Street, and

Renton Avenue South. There is a Sound Transit light rail station on MLK Jr. Way South four blocks from the site. New housing in the Holly Park redevelopment is located to the east and north of the site. The west property line of the site adjoins a 200 foot wide City Light easement for high power transmission line towers. Proposed Parcels A and B will both have vehicle access from South Webster Street via an easement across the City Light right-of-way to the two Parcels. A paved driveway encircles the site, partially on City Light right-of-way and partially on Parcel B. The site is developed with a single family residence and three sheds. Two of the sheds are in disrepair.

Geotechnical Report

A geotechnical report was submitted with this application which indicated that the existing grade at the majority of the site generally descends from west to east with slope gradients of less than 15 percent. However, steep slopes with about 40 to 50 percent gradient and about 10 feet vertical relief exist in the middle portion of the lot. The eastern edge of the site contains east-facing slopes with 60 to 100 percent gradients. However, the site is not mapped as a potential or known landslide area. The report indicates that the portion of the steep slope located within the property lines was entirely created by fill during previous legal grading activity. The department's geotechnical engineer reviewed the soils report, the recommendations in the report, and the requested environmentally critical area exemption. The subdivided lots shall be subject to environmentally critical areas (ECA) review for future construction permit applications on both Parcels A and B.

Retention of Existing Trees

Stonehedge Tree Experts prepared a report which indicated that there is a U shaped grove of trees made up of around 40 trees on the site. This grove consists mainly of Coastal Redwood, Douglas Fir, Western Red Cedar and two Ponderosa Pines. There are five exceptional trees within the grove: four Coastal Redwoods (40/42/36/40 inch DBH-Diameter at Breast Height) and one Douglas Fir (32 DBH). The grove is entirely on Parcel B. In addition to the grove, Parcel B contains one other exceptional tree, a 48 inch DBH Coastal Redwood. All the individual trees greater than 12 inches DBH within the grove are exceptional trees, and removal of trees less than 12 DBH is prohibited if it may harm the health of the grove.

Parcel A contains two exceptional trees, a multi-stem Coastal Redwood (36/36/24/8 DBH) and a Big Leaf Maple (30 inch DBH). There are two trees that need to be removed on Parcel A for a proposed new home. These are a topped 16 inch Red Cedar and an 18 inch Douglas Fir. The removal of these trees will have no impact upon the remaining trees. These two trees are not part of the grove nor are they exceptional trees.

Along the eastern edge of Parcel B there are two additional Coastal Redwoods (20/18 DBH) and eight large trees on the adjacent parcel east of Parcel B. There are six Big Leaf Maples (12/15/18/12/12/14 DBH) and two Coastal Redwoods (20/20 DBH). None of these trees are exceptional.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions, as modified by this chapter;*
2. *Adequacy of access for pedestrians, vehicles, utilities and fire protection as provided in Section 23.53.005, Access to lots, and Section 23.53.006, Pedestrian access and circulation;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivisions and subdivisions, in environmentally critical areas;*
6. *Whether the proposed division of land is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family house; and*
8. *Conformance to the provisions of Section 23.24.046, Multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, and Parks and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is located in an environmentally critical area and the requirements of SMC 25.09.240 have been met. The proposed plat maximizes the retention of existing trees. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION – SHORT PLAT

The proposed short plat is CONDITIONALLY GRANTED.

ANALYSIS – SEPA

The proposal site is located in an environmentally critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA)m WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 14, 2009. The information in the checklist, pertinent public comment, and the experience of the lead agency with review of similar projects for the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant; and reviewed the project plans and any additional information in the file. As indicated in this analysis, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Short-term adverse impacts are anticipated from the proposal. No adverse long-term impacts on the environmentally critical area are anticipated.

Short-term Impacts

The following temporary or construction-related impacts to the environmentally critical area are expected for future construction on the two parcels: 1) temporary soil erosion; and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to applicable SEPA policies.

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this

declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).

CONDITIONS – SHORT PLAT

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ____ of ____.”
3. Provide on the plat the required Seattle City Light easement.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Provide an easement, covenant, or other legal agreement for an address sign to benefit Parcel B at a location visible from **South Webster Street** and to ensure that the address signage is maintained.
6. Submit the recording fee and final recording forms for approval.
7. Submit to the DPD drainage reviewer a sanitary sidesewer plan that includes an investigation of the existing sidesewer and the proposed connection(s) to it. The plan must be stamped and signed by a civil engineer.
8. Submit to the DPD drainage reviewer an easement/connection agreement allowing new connection(s) to the existing sidesewer.
9. Submit to the DPD drainage reviewer a stormwater control plan for all proposed construction on the proposed parcels. The plan must be stamped and signed by a civil engineer. If the stormwater control plan includes infiltration or flow dispersal, the plan must be reviewed and concurred with by a geotechnical engineer.

Prior to Issuance of any Building Permit

10. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

CONDITIONS – SEPA

None.

Signature: _____ (Signature on file)
Malli Anderson, Land Use Planner
Department of Planning and Development

Date: September 2, 2010

MJA:jj
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